



MILPITAS PLANNING COMMISSION STAFF REPORT

June 24, 2015

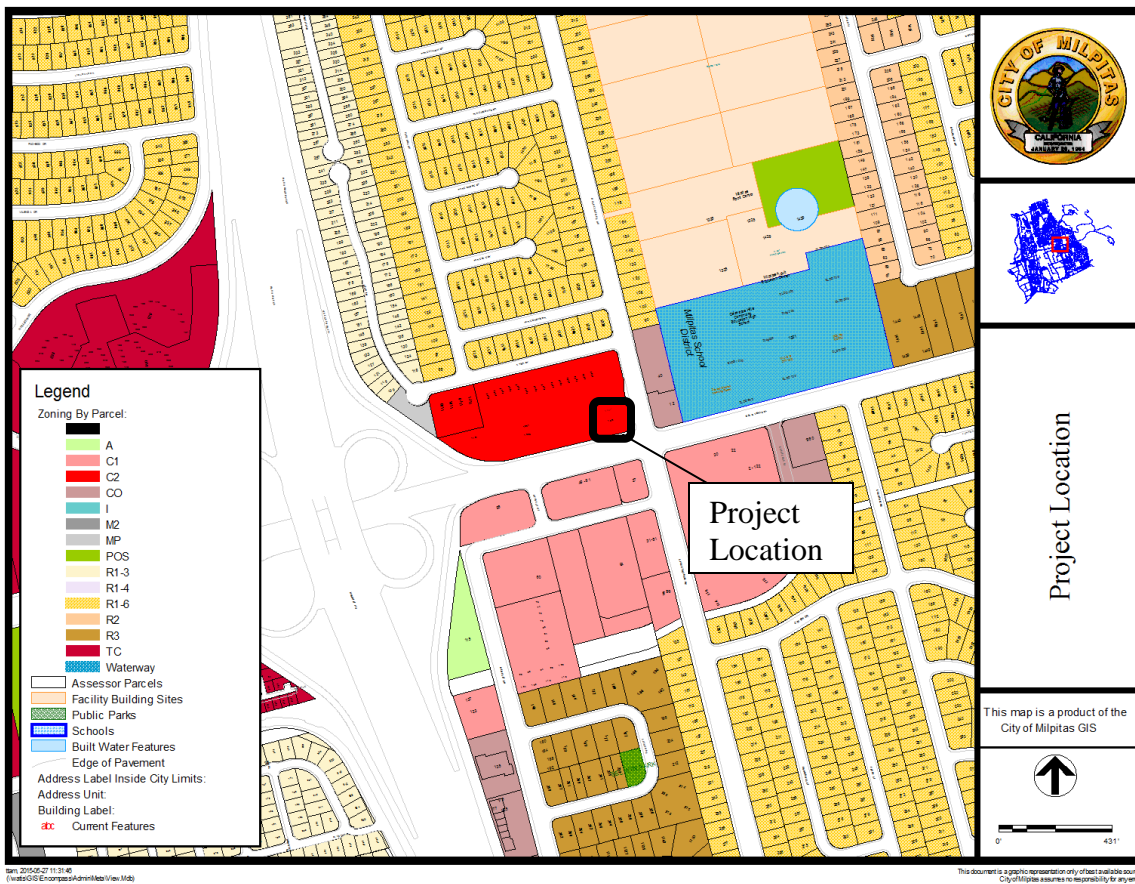
APPLICATION:	Pure Karaoke, Conditional Use Permit No. UP15-0004 A request for a Conditional Use Permit to allow for the operation of a 3,310 square foot karaoke establishment with no alcohol and no cooking facilities within an existing commercial building.
RECOMMENDATION:	Staff recommends that the Planning Commission: Adopt Resolution No. 15-020 approving Conditional Use Permit No. UP15-0004 to operate a 3,310 square foot karaoke establishment with no alcohol and no cooking facilities within an existing commercial building located at 1297 East Calaveras Boulevard, subject to findings and Conditions of Approval.
LOCATION:	
Address/APN:	1297 East Calaveras Boulevard (APN: 029-13-041)
Area of City:	Park Victoria Shopping Center
PEOPLE:	
Project Applicant:	Zhuo Chen, Business Operator
Consultant(s):	Sherman Yan, Architect James Li, Parking Assistant
Property Owner:	Victorian Square Associates
Project Planner:	Tracy Tam, Assistant Planner
LAND USE:	
General Plan Designation:	General Commercial (GNC)
Zoning District:	General Commercial (C2)
Overlay District:	Site and Architectural Overlay (-S)
ENVIRONMENTAL:	Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to operate a karaoke establishment with no alcohol and no cooking facilities in an existing commercial building. The Zoning District for this project is General Commercial (C2) and a Recreation or Entertainment facility is a conditionally permitted use, pursuant to Section XI-10-5.02 Commercial Use Regulations. The Project is consistent with the General Plan and Zoning Ordinance and staff recommends that the Planning Commission approve the project subject to the findings and Conditions of Approval.

Map 1

Project Location



Map 2

Project Site



Additional Pictures



Eastbound View from Calaveras Boulevard



Existing Tenant Floor Plan

BACKGROUND

History

On February 2, 1978, the Planning Commission approved an “S” Zone Approval to allow for the original construction of three (3) commercial buildings. Subsequent approvals included a Conditional Use permit to allow for a restaurant use and for the sale of alcoholic beverages, landscape modifications, building addition, and architectural alterations.

The Application

The following is a summary of the applicant’s request:

- *Conditional Use Permit:* to allow for a karaoke establishment with no alcohol or no cooking facilities in an existing commercial building.

PROJECT DESCRIPTION

Overview

The project is requesting a Conditional Use Permit to allow for the operation of a karaoke establishment with no alcohol and no cooking facilities within an existing commercial building. The karaoke use (under the “recreation or entertainment facility” category) is a conditionally permitted use in the General Commercial (C2) Zoning Designation. The project proposes a total of twelve (12) karaoke rooms and hours of operation from 4:00pm to 12:00am Monday through Thursday, and 12:00pm to 1:00am Friday through Sunday.

As stated in the Project Description (Attachment B), the karaoke establishment assigns the room based on the amount of people in a party. Once the business patrons sign the Customer Agreement, they are brought to a karaoke room equipped with televisions and a book of songs and are charged by the hour. Prepackaged snacks and beverages will be sold at the premises.

Location and Context

The project is located in the southeast portion of the City, specifically in the Victorian Square Shopping Center, and within a quarter mile of public facilities. The major cross streets are South Park Victoria and East Calaveras Boulevard. Other tenants in the shopping center include, but not limited to: King Wah Restaurant, Starbucks, Milpitas Optometric Group and Round Table Pizza. As indicated on the Project Location map provided on the second page, the Project is located near residential uses. Table 1 summarizes the surrounding zoning districts. Vicinity and location maps of the subject site location are included on the second page.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	General Commercial (GNC)	General Commercial (C2)	Karaoke establishment
North	Single Family Low Density (SFL)	Single Family Residential (R1-3 and R1-6)	Residential
South	Retail Subcenter	Neighborhood	76 gas station, hair salon,

	(RSC)	Commercial (C1)	Executive Inn
East	Professional and Administrative Office (PAO)	Administrative and Professional Offices (CO)	Shell gas station, dentist offices, dental laboratory
West	Town Center (TWC)	Town Center (TC)	Interstate 680, Embassy Suites, Extended Stay America

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan

This project conforms to the intent of the General Commercial (C2) designation in that it provides a recreational facility located in a shopping center in which people are able to walk to other retail uses. The project is also consistent with the implementing policies of the General Plan Land Use Element to promote infill development, and to publicize the position of Milpitas as a place to carry on compatible commercial activities.

Zoning Ordinance

The project conforms to the Zoning Ordinance in that it meets the development standards for the General Commercial (C2) Zoning District. The Project does not propose any exterior modifications and the scope of construction is only limited to the interior of the building.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the General Commercial Zoning District.

Table 1:
Summary of Development Standards

	Standard	Proposed (existing)	Complies?
<u>Setbacks (Minimum)</u>			
Front	10 feet	10 feet	Yes
Side Yard Setback (Interior)	0 feet, 15 feet when abutting a Residential District	321 feet	Yes
Street Side Yard Setback	0 feet	31 feet	Yes
Rear	0 feet, 15 feet when abutting a Residential District	217.5 feet	Yes
<u>Building Height (Maximum)</u>	None	18.5 feet	Yes
<u>Landscaping</u>	None	East and South of the building	Yes

The project is not proposing any exterior alterations to the building and the construction work is limited to the inside of the existing building. The tenant improvements include creating wall partitions for the individual karaoke rooms and a storage facility.

Parking

Per Table 53.09-1 of the Milpitas Municipal Code, an arcade and amusement use requires 1 parking space per 200 square feet. According to the Parking Table provided in the Plan Set (Attachment C), the karaoke suite will be 3,310 square feet. Based on an area of 3,310 square feet, the parking requirement for the karaoke establishment will be 17 parking spaces. The shopping center contains a total of 308 parking spaces as shown in the table below. All required parking for the proposed karaoke use can be accommodated on-site and is part of the 308 total parking provided for the shopping center.

Use	Parking Ratio	Provided Parking	Required Parking
<u>Arcade and Amusement (Karaoke)</u>	1 per 200 square feet	17 parking spaces	17 parking spaces
<u>Total parking provided for Victorian Square Shopping Center</u>			308 parking spaces
<u>Total parking required for Victorian Square Shopping Center</u>			299 parking stalls

Many of the existing uses are subject to the previous parking code and therefore, are subject to the old parking standards and are considered “grandfathered in”. A use is considered “grandfathered in” if the use was commenced or in progress prior to the adoption of the revised parking ordinance. New uses are subject to the current development standards.

Noise

Because of the proposed hours of operation and proximity to residential uses, residents might be impacted by noise associated with the karaoke establishment. In order to reduce the potential noise impacts to the residential uses, staff recommends two Conditions of Approval that discourage loitering.

Public Safety

To ensure public safety, the applicant will install security surveillance cameras towards the front of the entrance. As a Condition of Approval, the surveillance videos will be made available to law enforcement upon request. Additionally, the applicant will hire a security alarm company to monitor the building. The Police Department noted that should this late night entertainment facility opens, it will receive the same level of patrol checks and scrutiny as other late night entertainment businesses. The Police Department also noted that if there is a noticeable increase

in criminal activity at the business or in the surrounding areas, the Police Department will work with all those involved to alleviate the issues.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Staff has found that the proposed project is consistent with the General Plan, Zoning Ordinance, and all required Findings. The findings for approval are discussed in detail in Attachment A (Resolution 15-020).

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities. Section 15301 includes, but not limited to, projects that only propose interior and exterior alterations involving such things as interior partitions, plumbing and electrical conveyances. The proposed project only proposes interior alterations and the expansion of use is considered negligible because of the little or no impact the project has on the surrounding area.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on June 11, 2015. In addition, 569 notices were sent to owners and occupants within 1,000 of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

The project is requesting a Conditional Use Permit to allow for the operation of a 3,310 square foot karaoke establishment with no alcohol and no cooking facilities in an existing commercial building located in the General Commercial (C2) Zoning District. The project is consistent with the General Plan in that it promotes in-fill commercial uses in vacant retail spaces and enhances the image of Milpitas as a destination for commercial activities, thereby expanding the tax base for the City. The project is consistent with the Zoning Ordinance in that it meets all the development standards.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing to receive comments;
2. Adopt Resolution 15-020 approving Conditional Use Permit No. UP15-0004 a 3,310 square foot karaoke establishment with no alcohol and no cooking facilities within an existing commercial building located at 1297 East Calaveras Boulevard, subject to findings and Conditions of Approval.

ATTACHMENTS

A: Resolution 15-020
B: Project Description
C: Plan Set